

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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WADE WEISSMANN ARCHITECTURE, INC.,

Plaintiff,

v.

Case No. 08-CV-669

ROBERT G. SINCLAIR ARCHITECTURE, INC.,

Defendant.

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**ORDER**

On August 6, 2008, plaintiff filed a complaint against defendant. The complaint alleges that defendant infringed on plaintiff's copyrights, and that defendant violated the Lanham Act. Plaintiff paid the filing fee for this action, filed a certificate of interest, and refused to consent to proceeding before a magistrate judge. Plaintiff subsequently served defendant with a summons and the complaint. Despite having been properly served, at the very latest by November 19, 2008, defendant has failed to file an answer, yet plaintiff has not moved for default judgment. Given the amount of time that has passed, these occurrences trigger Civil L.R. 41.2, which states:

In all cases in which a defendant has failed to file an answer or otherwise defend within 6 months from the filing of the complaint and the plaintiff has not moved for default judgment, the Court may on its own motion, after 20 days' notice to the attorney of record for the plaintiff, or to the plaintiff pro se, enter an order dismissing the action for lack of prosecution. Such dismissal must be without prejudice.

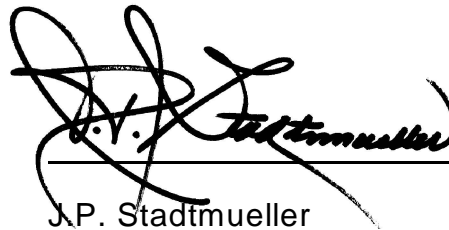
Because six months have passed since the complaint was filed in this case, and defendant has not answered, and plaintiff has not sought default judgment, the court hereby notifies plaintiff that plaintiff has 20 days to commence prosecution of this case. Should plaintiff fail to do so within that time period, the court will dismiss this action without prejudice.

Accordingly,

**IT IS ORDERED** that plaintiff shall have twenty (20) days from the date of this order to commence prosecution of this case; if plaintiff fails to do so, the court will dismiss this action without prejudice.

Dated at Milwaukee, Wisconsin, this 7th day of April, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line.

J.P. Stadtmueller  
U.S. District Judge